

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV72461558605  
Express Mail Label NumberJuly 14, 2005  
Date of Deposit

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

BRINKMANN ET AL.

APPLICATION NO: 10/521,297

FILED: May 17, 2005

FOR: USE OF S1P RECEPTOR AGONISTS IN HEART DISEASES

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**RECEIVED**

2 AUG 2005

Legal Staff  
International DivisionPETITION TO CORRECT FILING DATE/  
RESPONSE TO NOTICE OF ACCEPTANCE OF APPLICATION

Sir:

Applicant's recently received an official filing receipt which, inter alia, lists January 14, 2005 as the filing date, and a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 ("Notice") regarding the above-identified application (copies of which are enclosed).

The Notice states that the "Date of Receipt of 35 U.S. 371(c)(1), (c)(2) and (c)(4) Requirements" as January 14, 2005. It further lists in the section under "the following items have been received:" as the Oath or Declaration filed 1/14/2005 and the Information Disclosure Statement filed 1/14/2005. Both the Declaration and Power of Attorney and the Information Disclosure Statement were filed on May 17, 2005. Which is the "Date of Completion of all 35 U.S.C. 371 Requirements" as stated on the Notice.

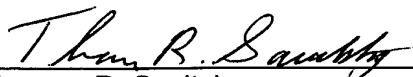
As such, Applicant's hereby petition to change the filing date to May 17, 2005, which is the correct filing date as also evidenced the hand-written date that appears on the face of the stamped, return postcard which accompanied the transmittal papers filing of the Executed Declaration and Power of Attorney and the Information Disclosure Statement (a copy of which is enclosed).

In view of the foregoing, it is clear that the correct filing date of the above-identified application is May 17, 2005, and it is respectfully requested that the U.S. Patent and Trademark Office correct their records to reflect this date. Moreover, since the assigning of January 14,

2005 as the filing date was due to an error on the part of the U.S. Patent and Trademark Office, no fee is believed to be required by this Petition to Correct the Filing Date. However, if a fee is deemed to be required, please charge said fee to Deposit Account No. 19-0134 in the name of Novartis.

Respectfully submitted,

Novartis  
Corporate Intellectual Property  
One Health Plaza, Building 104  
East Hanover, NJ 07936-1080  
(862) 778-7909

  
Thomas R. Savitsky  
Attorney for Applicants  
Reg. No. 31,661

Date: *July 14, 2005*

Encls: copy of Filing Receipt, dated June 21, 2005  
copy of Notice of Acceptance of Application  
copy of stamped, return postcard, dated May 17, 2005  
postcard



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/521,297	01/14/2005 05/17/2005	1623	1030	TX/4-32510A		8	1

CONFIRMATION NO. 9212

## FILING RECEIPT



\*OC000000016309649\*

1095  
NOVARTIS  
CORPORATE INTELLECTUAL PROPERTY  
ONE HEALTH PLAZA 104/3  
EAST HANOVER, NJ 07936-1080

TRS

Date Mailed: 06/21/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Volker Brinkmann, Freiburg, GERMANY;  
Gilles Feutren, Mulhouse, FRANCE;  
Robert Paul Hof, Gelterkinden, SWITZERLAND;

**Power of Attorney:** The patent practitioners associated with Customer Number 1095.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP03/08085 07/23/2003

## Foreign Applications

UNITED KINGDOM 0217152.8 07/24/2002

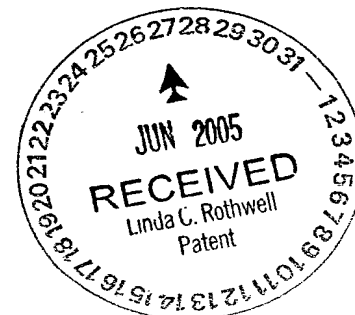
**Projected Publication Date:** 09/22/2005

**Non-Publication Request:** No

**Early Publication Request:** No

## Title

Use of s1p receptor agonists in heart diseases



**Preliminary Class**

514

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control,

Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/521,297	FIRST NAMED APPLICANT Volker Brinkmann	ATTY. DOCKET NO. TX/4-32510A
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1095  
NOVARTIS  
CORPORATE INTELLECTUAL PROPERTY  
ONE HEALTH PLAZA 104/3  
EAST HANOVER, NJ 07936-1080

INTERNATIONAL APPLICATION NO. PCT/EP03/08085	
I.A. FILING DATE 07/23/2003	PRIORITY DATE 07/24/2002

CONFIRMATION NO. 9212  
371 ACCEPTANCE LETTER



\*OC000000016309650\*

Date Mailed: 06/21/2005

### NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

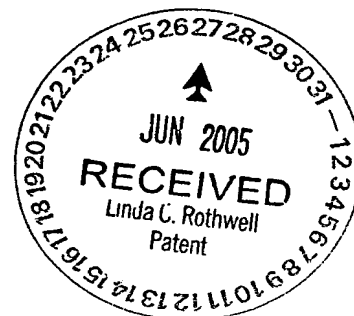
The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>01/14/2005</u>	<u>05/17/2005</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 01/14/2005
- Copy of the International Search Report filed on 01/14/2005
- Copy of IPE Report filed on 01/14/2005
- Preliminary Amendments filed on 01/14/2005
- Information Disclosure Statements filed on 01/14/2005
- Oath or Declaration filed on 01/14/2005
- U.S. Basic National Fees filed on 01/14/2005
- Priority Documents filed on 01/14/2005
- Power of Attorney filed on 01/14/2005



Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

**PART 1 - ATTORNEY/APPLICANT COPY**

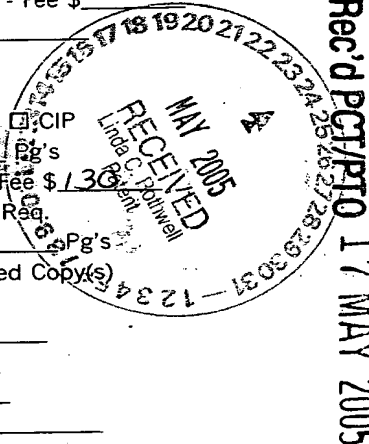
FORM PCT/DO/EO/903 (371 Acceptance Notice)

Case No. TX/4-32510A  
Application No. 10/521,297  
Mailing Date: May 17, 2005  
Due Date: \_\_\_\_\_

Express Mail No.: EV524615798 US

The Patent & Trademark Office acknowledges, and has stamped hereon the date of receipt of the items checked below:

- ☐ Amendment/Response/Letter - Fee \$ \_\_\_\_\_  
☐ Appln. Filing Papers - Fee \$ \_\_\_\_\_  
    ☐ PCT National Stage  
    ☐ Provisional Application  
    ☐ RCE ☐ DIV ☐ CONT ☐ CIP  
    ☐ Specification \_\_\_\_\_ Pg's  
☒ Executed/Unexecuted Decl. - Fee \$ 130  
    ☐ Missing Parts/Missing Req. \_\_\_\_\_ Pg's  
☐ Preliminary Amendment \_\_\_\_\_ Pg's  
☐ Claim of Priority ☐ Certified Copy(s)  
☐ Amendment After Final  
☐ Notice of Appeal - Fee \$ \_\_\_\_\_  
☐ Appeal Brief - Fee \$ \_\_\_\_\_  
☐ Issue Fee Payment \$ \_\_\_\_\_  
☐ Assignment Rec. Req. - Fee \$ \_\_\_\_\_  
☐ Formal Drawings \_\_\_\_\_ Pg's  
☒ IDS 2 Pg's - Fee \$ \_\_\_\_\_  
☒ PTO-1449 Form 2 Pg's *Copy of British Search Rpt. & 7 References*  
☐ Pet. for Ext. of Time - Fee \$ \_\_\_\_\_  
☐ Application Data Sheet  
☐ Seq. Listings \_\_\_\_\_ Pg's/Seq. Disk  
☐  
☐  
TRS  
Initials



JC10 Rec'd PCT/PTO 17 MAY 2005

